

EXHIBIT D

From: Jason Binford <jason.binford@rsbfirm.com>
Sent: Tuesday, August 6, 2024 7:30 PM
To: Bloom, Mark; Ron Satija; Michael Conway; Tobin, Shane P. (USTP); Todd Headden (theadden@haywardfirm.com); Burch, Alexander
Subject: [EXTERNAL] RE: artiusi.D - Status Conference Transcript
Attachments: Austin_ArtiusID_080124.pdf

Follow Up Flag: Follow up
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Attached is a copy of the 8/1 status conference transcript.

Jason Binford
Shareholder

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From: Bloom, Mark <Mark.Bloom@bakermckenzie.com>
Sent: Tuesday, August 6, 2024 2:04 PM
To: Ron Satija <rsatija@satijatrustee.com>; Jason Binford <jason.binford@rsbfirm.com>; Michael Conway <mconway@lpgmlaw.com>; Tobin, Shane P. (USTP) <Shane.P.Tobin@usdoj.gov>; Todd Headden (theadden@haywardfirm.com) <theadden@haywardfirm.com>; Burch, Alexander <Alexander.Burch@bakermckenzie.com>
Subject: Re: artiusi.D followup call on draft Order from Status Conference

Just where is your needle, Ron? Surely you don't deny that the Judge agreed to enter the stay and discharge you of responsibility for estate assets during the pendency of that stay. Respectfully, that announcement on the record puts you in the back seat or outside the car entirely, not asking to see a map so that you can drive it.

In deference to your desire to see a transcript I will schedule another call for late tomorrow afternoon. You should keep in mind, however, that the additional features you and the USTrustee have requested for inclusion in the proposed Order go well beyond anything that you will find in that transcript. We have agreed to all or substantially all of those requests in an effort to submit an Order promptly on a simple and straightforward status conference at which we announced and the Judge accepted our intention to proceed in the manner spelled out by the Bankruptcy Code and Rules, but we do not have infinite patience to negotiate with you over points that have been addressed and to which you and Todd offered no objection in the original draft order presented.

From: Ron Satija <rsatija@satijatrustee.com>

Sent: Tuesday, August 6, 2024 2:51:56 PM

To: Bloom, Mark <Mark.Bloom@bakermckenzie.com>; jason.binford@rsbfirm.com <jason.binford@rsbfirm.com>; Michael Conway <mconway@lpgmlaw.com>; Tobin, Shane P. (USTP) <Shane.P.Tobin@usdoj.gov>; Todd Headden (theadden@haywardfirm.com) <theadden@haywardfirm.com>; Burch, Alexander <Alexander.Burch@bakermckenzie.com>

Subject: [EXTERNAL] RE: artiusi.D followup call on draft Order from Status Conference

All: this call is not useful for me until we get the transcript tomorrow. The needle has not moved for me since yesterday's call.

Ron

Ron Satija
U.S. Bankruptcy Trustee
P.O. Box 660208
Austin, TX 78766-7208
(737) 881-7102

-----Original Appointment-----

From: Bloom, Mark <Mark.Bloom@bakermckenzie.com>

Sent: Tuesday, August 6, 2024 8:37 AM

To: Bloom, Mark; jason.binford@rsbfirm.com; Michael Conway; Tobin, Shane P. (USTP); Todd Headden (theadden@haywardfirm.com); Ron Satija; Burch, Alexander

Subject: artiusi.D followup call on draft Order from Status Conference

When: Tuesday, August 6, 2024 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://bakermckenzie.zoom.us/j/92032819050?pwd=NavMy1AAklxbV7jRa3dDUrNOpuJObr.1>

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213.244.140.110 (Germany)
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64.211.144.160 (Brazil)
159.124.132.243 (Mexico)
159.124.168.213 (Canada Toronto)
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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:)	CASE NO: 23-11007-cgb
)	CHAPTER 7
)	
ARTIUSID, INC,)	Austin, Texas
)	
)	Thursday, August 1, 2024
Debtor.)	1:38 p.m. to 1:40 p.m.
)	2:00 p.m. to 2:25 p.m.

1-1) MOTION FOR REHEARING OF THE ORDER FOR RELIEF [D.E.NO.62,
OR, IN THE ALTERNATIVE MOTION FOR STAY PENDING APPEAL
[DKT.NO.70]

BEFORE THE HONORABLE CHRISTOPHER G. BRADLEY,
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES: See page 2

Courtroom Deputy: Ronda Farrar

Court Reporter [ECRO]: Blayne Turner; Recorded

Transcribed by: Exceptional Reporting Services, Inc.
P.O. Box 8365
Corpus Christi, TX 78468
361 949-2988

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

APPEARANCES:

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MEICHELLE MACGREGOR, ESQ.
Cowan Liebowitz & Latman

For Petitioning
Creditors:

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JASON B. BINFORD, ESQ.
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Also present:

KEVIN GOLDSTEIN
DAVID LEVY

For Creditors:

REAGAN H. "TRES" GIBBS, III, ESQ.
Cokinos Law
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16th Floor
Houston, TX 77010
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For Chapter 7 Trustee:

RON SATIJA, ESQ.
TODD HEADDEN, ESQ.
Hayward
7600 Burnet Road
Suite 530
Austin, TX 78757
737-881-7102

1 Austin, Texas; Thursday, August 1, 2024; 1:38 p.m.

2 --oOo--

3 **THE COURT:** All right. Good afternoon, everyone.

4 This is Judge Bradley.

5 I'm going to call In Re: ArtiusID, Inc., Case
6 Number 23, 11107 [sic]. We're here for a status hearing on
7 Docket Number 70, the Motion for Rehearing and Reconsideration.

8 Let's take appearances, starting with counsel for the
9 Debtor.

10 **MR. BURCH:** Good morning, Your Honor. Alexander
11 Burch, Mark Taylor and Mark Bloom with Baker McKenzie for the
12 Debtor. Also on this attending the hearing for the Debtor is
13 the founder and CEO of ArtiusID, as well as separate outside
14 counsel, Meichelle MacGregor.

15 And I do believe, Your Honor, that -- I just got a
16 message that there may be a settlement between the petitioning
17 creditors and the debtors and it may be prudent to maybe have a
18 brief adjournment so that all counsel may discuss and maybe we
19 can announce that to the Court.

20 **THE COURT:** Okay. How brief?

21 **MR. BURCH:** Twenty minutes, Your Honor?

22 **THE COURT:** Okay. Does anybody object to that?

23 Mr. Conway or Mr. Binford?

24 **MR. CONWAY:** Michael Conway, Your Honor, for the
25 petitioning creditors. As you noted, I'm with Jason Binford

1 and one of the petitioning creditors is on, Kevin Goldstein.

2 We agree that we believe that's the case. And I was
3 waiting for somebody to tell me whether we should ask you for
4 20 minutes or so we're fine with the 20 minutes.

5 **THE COURT:** Okay. Does anybody object to taking a
6 20-minute. We haven't even finished taking appearances but
7 does anybody want to make an appearance in order to lodge their
8 objection?

9 **MR. SATIJA:** This is Ron Satija, the Chapter 7
10 Trustee. And I have no objection to chilling out on -- for 20
11 minutes, turning off my sound, turning off my microphone and
12 video and all that stuff, and letting them talk on the Zoom if
13 that's what's going to happen. I just wanted to make sure they
14 didn't want me in it.

15 **THE COURT:** I'll let them tell you that.

16 Okay. So we will recess for 20 minutes. Yeah, as
17 Mr. Satija noted, you're welcome. Just make sure you mute
18 yourself because I don't want to transmit secret intelligence
19 on the court record but we will take a recess. I'll be back at
20 2:00 Central Time. Thank you-all.

21 **(Proceeding adjourned at 1:40 p.m. and reconvened at**
22 **2:00 p.m.)**

23 **THE COURT:** This is Judge Bradley. We're going to go
24 back on the record in ArtiusID, Inc.; Case Number 23-11107
25 [sic]. We're still here on a status hearing on Docket

1 Number 70, Motion for Rehearing and Reconsideration.

2 Let's -- before we do anything else, let's finish
3 taking appearances.

4 So I've had counsel for the Debtor and inhouse
5 counsel for the Debtor. I think I've heard from Mr. Satija,
6 Mr. Binford and Mr. Conway. Okay so that leaves a few more.
7 Who else needs to make an appearance here?

8 **MS. MACGREGOR:** Just to clarify, I'm not inhouse
9 counsel. Meichelle MacGregor is outside counsel, Cowan
10 Liebowitz and Latman, PC.

11 **THE COURT:** Okay, thank you. Would you mind, could
12 you type your name into your -- if you're going to participate,
13 it would be helpful to have your name on the --

14 **MS. MACGREGOR:** Sure.

15 **THE COURT:** Thank you. And I'm sorry for
16 misspeaking. Okay so --

17 **MR. GIBBS:** Good afternoon, Your Honor. This is Tres
18 Gibbs. I'm here on behalf of Collaborative Vision, LLC. We're
19 another creditor of the Debtor in this matter.

20 And as Your Honor may have seen, we just filed
21 appearances I think late this morning. And although we've
22 recently just been retained, my client's been actively
23 following the proceedings. And I apologize for not making my
24 appearances earlier when you originally were taking roll.
25 Maybe we could have got an invite to the settlement conference

1 but yeah, I'm curious to hear the results of that meeting, Your
2 Honor.

3 **THE COURT:** Yeah, okay. No, it certainly wasn't your
4 fault so thank you.

5 Okay. Mr. Headden?

6 **MR. HEADDEN:** Yes. Good afternoon, Your Honor. Todd
7 Headden. I am potential counsel to the Chapter 7 Trustee,
8 Mr. Ron Satija.

9 **THE COURT:** Okay, thank you.

10 Okay, any other appearances?

11 **MR. CONWAY:** Your Honor, Michael Conway. I was just
12 pointing out that now two of the petitioning creditors are on,
13 David Levy (phonetic) and Kevin Goldstein.

14 **THE COURT:** Great, thank you. Good afternoon,
15 Mr. Goldstein and Mr. Levy.

16 **MR. GOLDSTEIN:** Good afternoon, Your Honor.

17 **MR. LEVY:** (inaudible).

18 **THE COURT:** Okay. Who wants to move on this, now
19 that it sounds like you-all may have something. Mr. Bloom?

20 **MR. BLOOM:** Yes, that would be me, Your Honor.

21 And first let me begin by thanking the Court for the
22 privilege of appearing pro hoc vice in what, fingers crossed,
23 may be a fairly short-lived matter from this point forward. I
24 say that because as we confirmed through the 20-minute
25 adjournment that the Court so graciously granted us, there is

1 an agreement between the Debtor and the three petitioning
2 creditors for the payment of a fixed sum of money in a single
3 payment to be placed in the trust account of one of the New
4 York counsel for all or certain of the petitioning creditors.
5 Just for the record it's Mr. Giacovas. And I speak from
6 ignorance about the name of his firm or exactly whom he
7 represents but it was agreeable to all parties that the money
8 would go there forthwith.

9 Once that happens we think that puts two wheels in
10 motion about which we would ask the Court's indulgence.

11 The first is that under Section 303(j) of the Code, a
12 dismissal upon consent requires notice to all creditors and a
13 hearing. And so as I didn't see anything in Bankruptcy
14 Rule 2002 about the notice period that governs that hearing --
15 and perhaps I overlooked it -- our thinking is that with the
16 Court's indulgence, we would confer about a proposed timeframe
17 and submit that to the Court as part of the stipulation and
18 consent for dismissal, requesting a hearing on some notice
19 period to be set forth. Obviously the notice would go to
20 Mr. Gibbs in respect of his client and to any other creditors
21 whom we can identify who would be entitled to notice within the
22 scope of Section 303(j).

23 During this period, we would ask and we have the
24 consent of the petitioning creditors, to the entry of a stay of
25 the order for relief in all respects on the proviso that the

1 Debtor, during the stay period, not engage in any transfers or
2 transactions outside the ordinary course of business.

3 So the papers that we have before the Court asks for
4 a motion for stay pending expedited consideration of rehearing
5 or a stay pending appeal. That's not what this stay is about.
6 This is simply a stay pending compliance with Section 303(j)
7 under the procedures that we'll put before the Court and ask
8 the Court to approve.

9 I don't think that there are a great many creditors
10 who would receive this notice. As we attempted to advise the
11 Court -- and I'm not seeking to reopen old wounds or argue
12 anything -- it is our understanding from Mr. Marcot (phonetic)
13 that other than these claims that were in dispute and perhaps
14 the claim of Mr. Gibbs' client that was in dispute, our client
15 is paying all non-disputed claims in the ordinary course. So
16 we will give the broadest notice that's possible and make a
17 showing of that notice in the 303(j) proceeding. And for now,
18 this is what we would ask the Court to do.

19 **THE COURT:** Thank you. And of course the U.S.
20 Trustee needs to be involved in those. They're not here today
21 but --

22 **MR. BLOOM:** Sure.

23 **THE COURT:** -- obviously.

24 Okay. Who else wants to be heard on this?

25 Mr. Satija?

1 **MR. SATIJA:** So far, having read the Court's order
2 setting hearing and having studied 303 a little bit more,
3 thereafter talking to my bonding and insurance people, I mean
4 so far I've got to say I'm not in favor of this. We got no
5 list of creditors, have no idea who needs to be provided notice
6 of this case. We have a debtor who has said that their debts
7 were disputed and yet I mean the testimony cited to by the
8 Court in its order scheduling hearing indicates those debts
9 were not really disputed. So I've got a lot of questions here
10 before I'm willing to sign off on any kind of a procedure
11 dismissing this case.

12 **THE COURT:** So I guess the question is -- I do want
13 to protect you, Mr. Satija. On the other hand, you know if
14 it's really and insofar as you can represent the views of
15 creditors, if -- you certainly I think can be heard at the
16 hearing on a motion to dismiss.

17 I guess the question is in terms of your bonding, in
18 terms of your responsibilities and so on, would the stay
19 sufficiently protect you? What I don't want to do is leave you
20 on the hook for liability or for responsibilities that you
21 can't meaningfully conduct if I grant the stay. That said, I
22 think the stay -- to me, Mr. Bloom's proposal sounds pretty
23 reasonable. I don't see anybody being prejudiced by it.

24 I want to hear from Mr. Gibbs for sure but, you know,
25 do you have specific concerns in terms of your exposure as the

1 appointed, I guess, technically, interim trustee?

2 **MR. SATIJA:** Well I mean I'm working through those
3 issues with my bonding and insurance people. I think the bond
4 is not an issue. I'm going to need I think an additional
5 insurance policy if I'm going to be the trustee of a business
6 that's going to operate for any amount of time under my
7 trusteeship or whatever the heck you call it. So you know I
8 mean there's going to be some costs, there's going to be some
9 expenses.

10 But I don't think this is about -- like my
11 consideration is not about me, you know. I mean we don't have
12 a list of creditors in this case. There's no way Your Honor
13 can make a decision that no one is prejudiced by this when we
14 don't even know who the creditors are. There may be a trade
15 creditor that's owed 800 bucks that's like, yeah, I don't want
16 that case to dismiss, I want my 800 bucks.

17 **THE COURT:** Sure.

18 **MR. SATIJA:** And it's not just -- it's not just
19 Mr. Binford's clients and it's not just the other petitioning
20 creditors. It could be anybody. We don't know. I don't think
21 we know enough to know.

22 **THE COURT:** Right. Okay. I think -- now whether
23 303(j) technically applies after an order for relief is
24 entered, I don't know but I think that to me, notwithstanding
25 my probably the longest order that's ever been entered on a

1 status hearing, I think there's at least a plausible argument
2 for vacating the motion or order for relief.

3 I mean the 303(j) procedure, if it's engaged in, that
4 will be the relief requested. So I gather that what Mr. Bloom
5 is asking for technically is what we'll -- I'll impose a stay.

6 I will on the -- and that language and Mr. Bloom I'm
7 sure would be happy to work to include language that protects
8 you, Mr. Satija. And then he would -- and then we abate
9 consideration of this other -- the motion that we're here for
10 today which is easy to do. It's just a status hearing anyway
11 so we don't have to -- we weren't even set to decide anything
12 today on it. And then we're just waiting for -- we're not
13 going to set this again, we're just going to wait for a
14 promised motion to dismiss pursuant to 303(j).

15 And you know, I don't know what the U.S. Trustee is
16 going to say, I don't know what other creditors may say, I
17 don't know what you're going to say, Mr. Satija, but
18 procedurally I don't mind teeing it up that way.

19 I mean Mr. Bloom, you might want to include, as an
20 alternative grounds on the motion for a dismissal under
21 Chapter 7, just a normal motion to dismiss Chapter 7 case.

22 If the U.S. Trustee for instance is unhappy with
23 using 303(j), I don't know that that would matter either way.
24 I've never actually had -- I've never worked on a 303(j). I've
25 worked on a lot of involuntary cases but never a 303(j) motion

1 in particular. So you could cast your relief requested as an
2 alternative between those two.

3 **MR. BLOOM:** Point taken, Your Honor.

4 And our view is that if, as I mentioned, as part of
5 getting us across the 303(j) finish line, the order for relief
6 is stayed in all respects, then in our view that would protect
7 Mr. Satija by discharging him from his responsibilities because
8 if there's no order for relief, or let me say if the order for
9 relief is not operative because it's been stayed, then
10 similarly he would not have any responsibilities, he would be
11 discharged temporarily pending the outcome of the 303(j)
12 dismissal proceeding.

13 **THE COURT:** Thank you.

14 So if Mr. Satija incurs expenses that he has to incur
15 between -- you know then from I guess between the order for
16 relief and now, or if he thinks the stay doesn't protect him,
17 then that would be a grounds on which I would condition
18 dismissal on payment of those fees.

19 Mr. Bloom, you don't know Mr. Satija maybe at all. I
20 mean I do know him well. He's not -- you know he doesn't pad
21 fees. He's not seeking to get a free lunch here. So there may
22 be nothing but that would be reasonable grounds for partial
23 objection to the motion to dismiss. The U.S. Trustee might
24 again weigh in on that but other than that, I don't see a
25 problem with this procedure but I need to hear from other

1 parties. Thank you. Thank you both.

2 Mr. Conway, you just unmuted yourself.

3 **MR. CONWAY:** Thank you, Your Honor. I didn't do it
4 because I wanted to speak but I will just point out that our
5 clients are happy with the fact they're getting paid. And my
6 only concern was what you just raised which is the whole 303(j)
7 after order of relief is entered. I think that we could
8 probably figure out a way around it and I think your suggestion
9 of an alternative ground, whatever that might be, be
10 incorporated in. But I think we can get it done. Otherwise,
11 I'm just listening now because I feel like our clients got what
12 they hoped to get.

13 **THE COURT:** Thank you. Yeah, I mean it could be
14 that --

15 **MR. CONWAY:** Don't want to upset the apple cart.

16 **THE COURT:** Thank you. It could be that I don't even
17 have to decide whether 303(j) applies. We just say the
18 dismissal is effective under both or either 303(j) and what
19 would be the other section? 11 --

20 **MR. BLOOM:** 707, Your Honor.

21 **THE COURT:** Thank you, yeah. 1112 is what's coming
22 to mind but that's not the right chapter so thank you. So we
23 could just say it's effective under both and then we don't have
24 any problems with appeal or anything like that.

25 Okay. Mr. Gibbs, you've been very patient. Thank

1 you.

2 **MR. GIBBS:** Well, Your Honor, candidly, I don't mind
3 because I'm still kind of thinking through. And obviously I'd
4 like to discuss with my client you know what we think our
5 strategy and response should be but my overarching concern is
6 that there's going to be a settlement to resolve, you know,
7 large claims to the petitioning creditors that doesn't take
8 into account the large and what I believe is an undisputed
9 claim of my client, a non-petitioning creditor.

10 So again, Your Honor, it's kind of difficult to you
11 know make -- have a strong feeling one way or the other without
12 having a chance to visit with the client and think through it a
13 little more.

14 **THE COURT:** Okay, thank you. Yeah so I don't think
15 anybody is interpreting your presence here or your not making
16 arguments right now as consent to anything. But I'm going to
17 go ahead and -- so does anybody else wish to weigh in? I'm
18 sorry, I should have said that.

19 **MR. SATIJA:** Your Honor, may I?

20 **THE COURT:** Please. Yeah, please, Mr. Satija.

21 **MR. SATIJA:** May I speak again?

22 **THE COURT:** Yes, please.

23 **MR. SATIJA:** Okay. Well I have two things that I
24 wanted to explore, one of which I'm definitely going to insist
25 on.

1 As long as I'm a party that has standing to do
2 anything in this case -- which I don't know how much longer
3 that's going to last -- I want a list of all the creditors in
4 the case. So I want a turnover of Debtor's books and records
5 so that I can ensure that this Section 303(j) standard of "on
6 notice to all creditors" is met. I mean, I don't even know
7 that I have Mr. Gibbs' clients address you know so that's --
8 that part of it is troubling to me. I just think -- I don't
9 think you can dip your toe in bankruptcy and then, you know,
10 even against your will once the order for relief is entered and
11 then jump out of it without just at least complying with those
12 procedural due process requirements for all the creditors. For
13 all I know Mr. Gibbs' client could oppose the dismissal but I
14 don't think he's on a matrix so I don't know that he's ever
15 going to get that opportunity.

16 And then second, Your Honor had said that a stay
17 would only be entered conditioned upon payment of the Chapter 7
18 Trustee's fees. You said "fees," you didn't mention expenses.
19 I'm hoping that you can include the expenses in there, you
20 know, and free lunch is cool too -- I'm not saying that -- but
21 you know so we're going to have to have some provision I think
22 for that in there.

23 I mean, I don't know, I'm not going to hold the Court
24 to what it said, like obviously some weird stuff has come out
25 in this case and the Court hasn't made a ruling. I mean the

1 Court only set a hearing and gave us guidance.

2 So I'm comfortable with whatever the Court decides to
3 do on that front. If the Court says, you know, "Nah, you
4 didn't distribute any money under 326, you know you don't get
5 any money or whatever," I mean I don't care about that but I am
6 still worried about the whole notice to all creditors thing.
7 So it may be -- and I bet that's what the U.S. Trustee would
8 say if they were here, although I don't speak to them and am
9 not a member of the United States Department of Justice.

10 **THE COURT:** Okay.

11 **MR. BLOOM:** I can respond to that one if the Court
12 would like.

13 **THE COURT:** Yeah, please.

14 **MR. BLOOM:** Sure. Absolutely the intention is to
15 give notice to all creditors because that's required. And
16 certainly we will share and prepare and share with Mr. Satija
17 that list of creditors. So that concern is certainly well
18 founded and we intend to respond to it.

19 As to the two other points, though, first the order
20 for relief is not a final order and therefore it is subject to
21 the Court's inherent power to stay it under Rule 7062. There's
22 a 14-day period during which it is subject to rehearing and
23 then a 14-day period during which it's subject to appeal. So
24 during that period we are asking the Court to exercise its
25 jurisdiction, it's authority under Rule 7062 to issue a stay of

1 the effectiveness of the order and that stay would have the
2 effect of discharging the trustee from his responsibilities
3 temporarily.

4 Nevertheless, we will provide him with a list of
5 creditors. We will provide him with notice of the 303(j)
6 hearing as the petitioning creditors and the Debtor may agree
7 on and present to the Court.

8 But I think Mr. Satija may have misspoke when he
9 suggested that the Court was going to condition the stay on the
10 payment of his expenses. We need the stay in effect today so
11 that parenthetically we can make payroll tomorrow to keep this
12 business running while we perfect this settlement.

13 And we do understand completely that as a condition
14 of any 303(j) dismissal, the Court has the right and Mr. Satija
15 has the right certainly to request that his fees and expenses
16 be covered. He and I have had several conversations since our
17 firm was retained in this case late Friday. They've all been
18 cordial and productive and I would expect we would continue in
19 exactly that same vein to address his concerns about his fees
20 and expenses.

21 **THE COURT:** All right. Thank you.

22 And Mr. Satija, I'll say too that whatever stay it is
23 would not prejudice your rights to appear and be heard. So
24 your duties and responsibilities may be suspended but you'd
25 still have the right to be heard, is my view.

1 Okay. Does anyone else want to weigh in on this at
2 this time?

3 Okay well --

4 **MR. SATIJA:** If I may say one --

5 **THE COURT:** Yeah, please.

6 **MR. SATIJA:** If I may say one final thing, Your
7 Honor?

8 If the order can be circulated to me for review?

9 **THE COURT:** Can be circulated to do what?

10 **MR. SATIJA:** I don't know who's preparing the order
11 but I just want to take a look at it.

12 **THE COURT:** Yeah, please, yeah, please circulate
13 it --

14 **MR. BLOOM:** Most definitely.

15 **THE COURT:** -- to Mr. Satija and again to the United
16 States Trustee as well who now may feel like they're coming
17 from behind. But hopefully Mr. Satija and Mr. Binford and
18 others who -- and Mr. Headden who can be in touch with that
19 office easily may be able to fill them in.

20 Yeah, I mean look, I think it's a really complicated
21 situation. Obviously procedurally I think this is an admirable
22 way of working through it. I appreciate you-all's work on
23 that.

24 Mr. Bloom, I appreciate your kind of thoughtful and
25 deliberate way of approaching this. You did a good job. Yeah,

1 it's obviously procedurally a very tricky one.

2 **MR. BLOOM:** Thank you, Your Honor.

3 **THE COURT:** So we will -- okay so I'm going to be --
4 we have to make sure we get the order on the docket correctly.

5 So we're going to just leave this motion. We're
6 going to abate the hearing on this motion. Is the courtroom
7 deputy amenable to that way of putting it? Okay.

8 And then we're going to wait for an order staying the
9 effectiveness of the order for relief in all respects, frankly
10 with the exceptions that we've already talked about which I
11 don't think necessarily need to be in the order but if you-all
12 can find language to put them in, go ahead and put them in but
13 otherwise it's on the record and that's what we're intending by
14 this in terms of the trustee's role and so he has the right to
15 appear and his -- the reasonable fees and expenses that he's
16 incurred will be considered at any 303(j) or 707 hearing. But
17 he has no responsibilities as to act as Chapter 7 Trustee as
18 soon as that stay is entered which it will be shortly which I
19 want that just as -- I think that's important to provide
20 comfort in that way.

21 And then the question is to put notice and then we'll
22 wait for you-all's motion to dismiss the case and motion to
23 expedite the motion to dismiss the case. And as long as you
24 know it's got to -- again, this may be a U.S. Trustee
25 conversation too. Just we've got to make sure that notice is

1 reasonable to the creditors. I don't know what that means here
2 because I really don't know what the creditor body looks like
3 here.

4 And then it sounds like maybe Mr. Gibbs' client is
5 going to be the biggest hindrance to this. So again, I don't
6 know anything about those claims, I don't know the size of
7 them, I don't know the degree of contestedness but obviously I
8 would urge you-all to work something out there too.

9 You know, maybe it cost the Debtor a little bit but
10 that's the difficulty of putting the genie back in the bottle.
11 So again, I'm not trying to prejudice anything, I just don't
12 know what it is but I think clearly it would be nice if you-all
13 could have some conversations about that.

14 In terms of our schedule, we're pretty you know I
15 think -- I don't think this is going to be a super lengthy
16 hearing hopefully so I think we have some flexibility next week
17 in terms of scheduling so we should be able to fit you in. We
18 don't have a self-scheduling capacity like a lot of districts
19 do so I apologize for that for those of you who are from other
20 districts and you may be used to that but we are responsive on
21 scheduling and we'll be able to get you in. We're around and
22 ready to go next week. Okay?

23 **MR. BLOOM:** Thank you, Your Honor. We will settle an
24 order and submit it as quickly as possible. It will be a
25 simple order just saying upon consideration, referring to the

1 record, and then setting forth these basic and essential terms.

2 What we need to work out with the petitioning
3 creditors is the list of creditors to be noticed. The trustee
4 will be involved in that and that also, the notice period,
5 prior to the hearing to which the Court just referred.

6 **THE COURT:** Okay. Does anyone else need to be heard
7 at this time?

8 (No audible response)

9 Okay. Again, I just want to thank you-all. I think
10 this is excellent work. And Mr. Bloom, your colleagues have
11 not been around for this whole case. It's been quite a path
12 that it has been down and you could tell and I really
13 appreciate all this work and I'm hopeful that -- hopefully this
14 will be a good outcome for the Debtor and for the parties in
15 interest.

16 So thank you-all. We're adjourned.

17 **(Proceeding adjourned at 2:25 p.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript
from the electronic sound recording of the proceedings in the
above-entitled matter.



August 6, 2024

Signed

Dated

TONI HUDSON, TRANSCRIBER